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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,181	07/13/2005	Vladimir Pisarski	US03 0013 US2	7816
65913	7590	11/30/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			LEIBOVICH, YAIR	
			ART UNIT	PAPER NUMBER
			2114	
			NOTIFICATION DATE	DELIVERY MODE
			11/30/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,181	<b>Applicant(s)</b> PISARSKI, VLADIMIR	
	<b>Examiner</b> YAIR LEIBOVICH	<b>Art Unit</b> 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2-3, 8-9, 15, 21-24, 26, 30-31, and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 2-3, 8-9, 15, 21-24, 26, 30-31, and 34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2)

3. Claims 5, 7, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu (US 2003/0061287 A1).

For claim 5, Yu teaches a method of facilitating control of distribution of modified or corrupted files in a distributed network (see figure 3C block 138: “eliminate unreliable” as control), the method comprising: providing a catalog of available files to nodes of the distributed network (see figure 3C block 130 and [0019] lines 4-5), the catalog identifying each file of the available files and a corresponding source node of each file (see figure 3C block 130 and [0019] lines 4-5), processing an error report from a target node that received a downloaded file from a selected source node (see [0009] line 17: “black listing” as processing), verifying the error report (see figure 3E blocks 162 and 164: “delete errors in the report” and comparing to a “threshold” as verifying the error report), degrading a trustworthy-measure of at least one node of the distributed network

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based on a result of verifying the error report (see [0009] line 17: “black listing” as degrading measure), and providing the trustworthy-measure of the at least one node to other nodes of the distributed network (see [0025] lines 9-11 and [0023] line 17; blacklisting effectively provides the trustworthy-measure to other nodes by not allowing the blacklisted to further participate).

For claim 7, Yu teaches the limitations of claim 5 for the reasons above and further teaches the error report is based on at least one of: a modification of an original version of the downloaded file, and an abnormality associated with the downloaded file (see abstract line 17: “corrupt” as abnormality and modification).

For claim 32, Yu teaches the limitations of claim 5 for the reasons above, and further teaches verifying the error report includes determining an originator node responsible for modifications to the downloaded file giving rise to the error report (see [0007] line 10).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 10-14, 16-19, 25, 27-29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 2003/0061287 A1) in view of Carpenter (US 2002/0059429 A1).

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For claim 6,

- Yu teaches the limitations of claim 5 for the reasons above and further teaches the catalog includes a parameter that is based on the trustworthy-measure of each source node (see figure 3E block 164: threshold parameter).
- Yu does not explicitly teach “degrading ... non-zero ... the node” (although it is suggested).
- However, Carpenter teaches “degrading a trustworthy-measure includes degrading a trustworthy-measure of a node to a non-zero value that is less than a previous value of the trustworthy-measure of the node” (see [0026] line 12: “highest”, and abstract lines 15-16: “lowered” and “may be avoided” suggests more than two levels/ lowered to non-zero level).
- It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yu to include “degrading ... non-zero ... the node”, as taught by Carpenter, because of the motivational reasoning specified in claim 1.

For claim 10,

- The claim recites essentially similar limitations from the combination of claim 5 & 6.

For claim 11,

- The combination of Yu and Carpenter teaches the limitations of claim 10 for the reasons above.
- Yu further teaches determining the validity of the report includes: receiving, from the source node, the information file and a corresponding identifying code that is based

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on content of the information file when the information file is introduced to the network, computing a verification code based on received content of the information file, comparing the verification code with the identifying code (see [0043] lines 6-10: different node being the source node).

For claim 12,

- The combination of Yu and Carpenter teaches the limitations of claim 10 for the reasons above.
- Yu further teaches degrading a trustworthy-measure associated with the reporting node when the report is determined to be invalid (see [0025] lines 8-11 for server-client downloads, and [0020] line 9 & 13 for “noncommercial” and “token”: the error report is a non commercial token that is downloaded to the server; the method applies to all downloadable files including the non-commercial tokens, so a report-file-token would be invalidated if it is corrupt).

For claim 13,

- The combination of Yu and Carpenter teaches the limitations of claim 10 for the reasons above.
- The claim essentially recites additional and similar limitations from the combination of claims 5 and 6.

For claim 14,

- The combination of Yu and Carpenter teaches the limitations of claim 10 for the reasons above.

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- Yu further teaches determining the validity of the report includes notifying the source node of the report, and assessing a response from the source node to determine the validity of the report (see [0021] line 2 for “business rules” and [0025] lines 8-11 for server-client downloads and [0020] line 9 & 13 for “noncommercial” and “token”: the validation report is a non commercial token file with expectation for reply according to the business rules; a person of ordinary skill in the art would confirm that such maintenance file transfers are necessary for compliance with the business rules).

For claim 16,

- The combination of Yu and Carpenter teaches the limitations of claim 14 for the reasons above.
- Yu further teaches assessing the response includes assessing the reliability of at least one of: the information file, the source node, and the reporting node (see [0009] line 17: black listing nodes mandates that all relevant nodes in the black list must be considered/assessed).

For claim 17,

- The combination of Yu and Carpenter teaches the limitations of claim 10 for the reasons above.
- Yu further teaches determining the validity of the report includes determining a reliability of the source node and determining the reliability of the source node is based on at least one of: the trustworthy-measure of the source node (black list in [0009] line 17 and threshold as in figure 3E block 164), longevity of the source node

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within the distributed network (figure 3E block 162 is a measure of time which longevity information can be drawn from), traffic flow via the source node (see figure 3C block 138: “bandwidth” as traffic flow capability), and prior activities of the source node (errors followed by being blacklisted).

For claim 18,

- The combination of Yu and Carpenter teaches the limitations of claim 17 for the reasons above.
- The claim recites similar limitations from claim 17 except that the limitations relate to the reliability of the reporting node. Yu teaches said limitations applying to all nodes (see [0009] lines 17-18 as an example for traffic flow);

For claim 19,

- The combination of Yu and Carpenter teaches the limitations of claim 10 for the reasons above.
- Yu further teaches determining the validity of the report includes a verification of prior ownership of the information file (see figure 3C block 130: the list includes all owners, previous included).

For claim 25,

- The claim essentially recites similar limitations from the combination of claims 5-6, and 11.



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For claim 27,

- The combination of Yu and Carpenter teaches the limitations of claim 25 for the reasons above;
- The claim essentially recites additional and similar limitations from the combination of claims 17-19;

For claims 28 and 29,

- The combination of Yu and Carpenter teaches the limitations of claim 25 for the reasons above;
- The claims essentially recites additional and similar limitations from claims 5 and 6 respectively;

For claim 33,

- Yu teaches the limitations of claim 32 for the reasons above;
- The claim essentially recites similar and additional limitations from claim 14.

6. Claims 1, 4, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 2003/0061287 A1) in view of Carpenter (US 2002/0059429 A1), and in further view of Estakhri (US 6,957,295 B1).

For claim 1,

- Yu teaches a method (see title) of affecting a trustworthy-measure associated with a source node (see figure 3C block 138) in a distributed network (see abstract line 2), the method comprising: receiving an information file from the source node (see

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abstract line 1: "delivering" as receiving) and a corresponding identifying code that is based on content of the information file when the information file is introduced to the network (see abstract lines 5-6), and computing an associated code based on received content of the information file (see abstract line 12); comparing the associated code with the identifying code (see abstract line 12); transmitting an error report to an administrator node(see figure 3D block 152, and further in [0009] lines 16-17), the error report identifying the source node and the information file (see [0009] lines 16-17), when at least one of the following occur: the associated code does not correspond to the identifying code (see abstract lines 13-14), and the content of the information file is abnormal (see abstract lines 17) ....

- Yu does not explicitly teach "and reducing the value ... in response to the error report, thereby ... subsequent use of the source node" (although it is suggested).
- However, Carpenter teaches and reducing the value of the trustworthy-measure associated with the source node in response to ... the error report (see abstract line 15), thereby providing the reduced value trustworthy measure for evaluating subsequent use of the source node (see abstract line 16).
- It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yu to include "and reducing the value ... in response to ... the error report, thereby ... subsequent use of the source node", as taught by Carpenter, because both Yu and Carpenter teach monitoring nodes in a network therefore they are analogous arts; and for the purpose of improving utilization of shared resources of the network and fault avoidance (see abstract).

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- The combination of Yu and Carpenter does not explicitly teach “verifying the error report by the administrator node” (although it is suggested, and additional example is provided in this rejection herein).
- However, Estakhri teaches verifying the error report by the administrator node (see column 6 line 62: verifying ECC by system as verifying error report by administrator).
- It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify The combination of Yu and Carpenter to include “verifying the error report by the administrator node”, as taught by Estakhri, because each one of Yu, Carpenter, and Estakhri teach file management therefore they are analogous arts; and because error correction codes/reports may have error in themselves as well (see column 6 line 62).

For claim 4,

- The combination of Yu, Carpenter, and Estakhri teaches the limitations of claim 1 for the reasons above.
- Yu further teaches error report includes the associated code and the identifying code (see figure 1B block 35: block server 12 includes error detecting codes 35, obtained from error reports)

For claim 20,

- The claim essentially recites similar limitations from claim 1 except for communication network with an administrator node. Yu teaches communication network with an administrator node (see abstract line 3).

***Response to Arguments***

7. Applicant's arguments, with respect to claims 2-3, 8-9, 15, 21-24, 26, 30-31, and 34 have been fully considered and are persuasive. Their rejection has been withdrawn.

8. Applicant's arguments with respect to claims 5-7, 10-14, 16-19, 25, 27-29, and 32-33 have been considered; for the arguments which are not moot in view of the new ground(s) of rejection, see the following:

- Applicant essentially argues that examiners interpretation of verifying validity of an error report is incorrect;
- Applicant's arguments are not persuasive because the action of deleting/adding errors from/to an error report inherently means that the report is no longer valid; otherwise why modify it by deleting errors? An (administrative) node performing this action would not make changes in the report if it was valid; these facts are sufficient to suggest that the error report was verified.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YAIR LEIBOVICH whose telephone number is (571)270-3796. The examiner can normally be reached on Monday-Thursday 6:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Badderman can be reached on (571)272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Y.L.

/Joshua A Lohn/

Primary Examiner, Art Unit 2114